

# **TOWN OF BRIDGEVILLE**

*If you lived here, you would be home now.*

## **ORDINANCE NO. A10-11**

**AN ORDINANCE TO AMEND THE ZONING DISTRICT DESIGNATION FOR THE LANDS OF WHEATLEY FARMS, INC., FROM R-1 RESIDENTIAL DISTRICT/RPC RESIDENTIAL PLANNED COMMUNITY TO R-1 RESIDENTIAL DISTRICT/AIOZ AGRICULTURAL-INDUSTRIAL OVERLAY ZONE FOR CERTAIN PARCELS OF LAND LYING AND BEING IN THE TOWN OF BRIDGEVILLE CONSISTING OF 559.46 ACRES, MORE OR LESS**

WHEREAS, on the 28<sup>th</sup> day of October, 2010, an application was filed on behalf of Wheatley Farms, Inc.; and

WHEREAS, on the 30<sup>th</sup> day of November, 2010, a public hearing was held before the Planning and Zoning Commission and the Commission recommended to the Commissioners of Bridgeville that the application be granted, with conditions; and

WHEREAS, on the 10<sup>th</sup> day of January, 2011, a public hearing was held, after notice, before the Commissioners, and based on the Finding of Facts, it determined that said application for amendment to the zoning district designation promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Bridgeville and that the change of zone is for the general convenience and welfare of the inhabitants of Bridgeville;

**NOW THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN:**

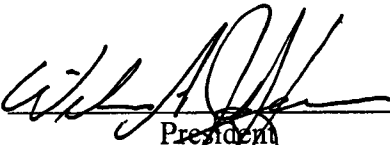
Section 1. Pursuant to the Bridgeville Land Use and Development Code, an amendment to the zoning district designation from R-1 Residential District/RPC Residential Planned Community to R-1 Residential District/AIOZ Agricultural-Industrial Overlay Zone is granted to the property hereinafter described, to wit:

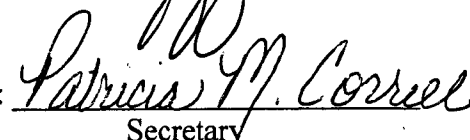
ALL those certain tracts, pieces or parcels of land lying and being situate in the Town of Bridgeville, Sussex County, Delaware, designated on the Tax Maps of Sussex County Department of Finance as Map No. 1-31-18.00-22.00, 28.00 and 35.00; and 1-31-19.00-8.00 containing 559.46 acres, more or less.

Section 2. This approval is subject to the Conditions of Approval, attached hereto and made a part hereof, and to all other applicable rules and regulations, ordinances statutes and laws.

Section 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By:   
President

Attest:   
Secretary

Date of First Reading: December 13, 2010

Date of Second Reading: January 10, 2011

Adopted: January 10, 2011

### FINDINGS OF FACT

1. The property is owned by Wheatley Farms, Inc.
2. The property is 559.46 acres, more or less and is located adjacent to the Heritage Shores Project and was annexed into the municipal limits of the Town of Bridgeville as a part of that project.
3. Heritage Shores is zoned as an RPC Residential Planned Community and includes the lands of Wheatley Farms, Inc., which is the subject of this application.
4. The subject site is no longer a part of the Heritage Shores project and it is the intention of the applicant to use the site for agricultural, agribusiness, or residential purposes.
5. This application has been reviewed and approved by the Planning and Zoning Commission.

### CONDITIONS OF APPROVAL

1. No farm animals will be raised or housed on this property without prior approval of the Bridgeville Town Commission.
2. Owner must adhere to all other permitted uses and structures in an AIOZ (Agricultural-Industrial Overlay Zone), as described in the Bridgeville Code Book, Section 234-39.